



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2016

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.20890 of 2016

M.Sudalaimadan

... Petitioner

vs.

1)The Superintendent of Police,
Office of the Superintendent of Police,
Surveyor Colony,
Madurai.

2)The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti,
Madurai District.

3)The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the Respondents or their subordinates or any person claiming authority through them from in any manner foisting any false case against the Petitioner.

For Petitioner : Mr.M.Mohan

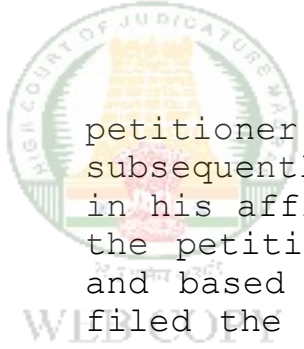
For Respondents : Mr.V.Muruganandam

Additional Government Pleader

ORDER

The present writ petition is filed with the prayer for forbearing the respondents from in any manner foisting a case against the petitioner.

2.The facts as narrated by the petitioner are that he was working as a Constable in Usilampatti Town Police Station, Usilampatti, and one Kanmani W/o. Vaiyadurai had given a complaint against her husband. At the time of giving the complaint, the



petitioner took the cell phone number of the complainant and subsequently developed intimacy. The contention of the petitioner in his affidavit is that the complainant fell in love with him and the petitioner had advised her not to indulge in such activities and based on such an unbelievable statement, the petitioner has filed the present writ petition seeking a prayer not to register any case against him. Even in the affidavit, the petitioner has admitted that already a case was registered against him under Sections 406, 417, 376, 506(i) IPC and 313 read with 511 IPC in Crime No.328 of 2016 and the investigation is in progress. In the abovesaid case, the petitioner was released on Anticipatory Bail in CrI.O.P.No.15308 of 2016. This apart, the disciplinary proceedings were initiated and the petitioner was placed under suspension under the Tamil Nadu Police Subordinate Service (Disciplinary and Appeal) Rules, 1955, on 28.06.2016. Further, one more complaint was also filed by the said *de facto* complainant/Kanmani W/o. Vaiyadurai, against the petitioner and based on the same, a case was also registered against the petitioner under Section 294(b) IPC in Crime No.482 of 2016.

3.The facts and circumstances of this case make it clear that the petitioner has involved in number of criminal cases and further committed misconducts warranting disciplinary action under the Tamil Nadu Police Subordinate Service (Disciplinary and Appeal) Rules, 1955.

4.The learned Additional Government Pleader appearing for the respondents has submitted that the present writ petition itself is not maintainable and such a prayer cannot be entertained, in view of the fact that the petitioner has not approached this Court with clean hands. Further, the departmental proceedings are also in progress and the criminal cases are also under investigation and therefore, this writ petition deserves to be dismissed.

5.Considering the facts and circumstances of this case, the prayer sought for by the petitioner cannot be entertained and the writ petition is devoid of merits and accordingly, dismissed. No costs.

sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1)The Superintendent of Police,
Office of the Superintendent of Police,
Surveyor Colony,
Madurai.



2)The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti,
Madurai District.

3)The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.

+1 cc to The Special Government Pleader in SR.No. 64936/16

nbi

CSL/PV/09.11.2016: 3P/5C

W.P (MD) No.20890 of 2016

01.11.2016